UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/1998/I/L.1/Add.6
30 January 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Eighteenth session
19 January-6 February 1998

ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS EIGHTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora JAVATE DE DIOS

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

2. Second and third periodic reports of States parties

Bulgaria

1. The Committee considered the combined second and third periodic reports of Bulgaria (CEDAW/C/BGR/2-3) at its 373rd and 374th meetings, on 28 January 1998.

2. The combined reports covered the period up to 3 November 1994 and were supplemented by a document containing additional information to update the information contained in the written reports and the core document providing information about political, legal and social structures in Bulgaria.

3. In her statement the representative drew attention to the fact that, since Bulgaria's initial report in 1985, the country had commenced a process of radical political and economic transformation. A new Constitution had been adopted in 1991. The representative pointed to a number of difficulties the country had faced during the transition period, including the fact that there had been seven different Governments in power since 1990. Economic conditions

BEST COPY AVAILABLE

/...

had also been severe. However, the Committee was informed that a more favourable economic position was emerging as evidenced by improved foreign investment and a forecast of modest GDP growth in the first half of 1998.

4. The representative acknowledged that a society had been inherited from the communist era where there was de jure, but not de facto equality for women. She expressed the Government's commitment to taking further measures to improve the de facto situation of women in line with the Convention. She referred to the fact that, in May 1992, Bulgaria withdrew its reservation on article 29 (1) of the Convention concerning the jurisdiction of the International Court of Justice. She also outlined steps taken by the Government of Bulgaria to translate and disseminate the Convention widely throughout the country. The representative stated the Government's position that equality between women and men was a conditio sine qua non of democracy.

5. The representative pointed out that article 6 of the Constitution of Bulgaria guaranteed equality and non-discrimination. In addition, the Committee was informed that, although there are no special laws on human rights and gender equality, article 5 of the Constitution provided for the incorporation of international treaties to which the Republic of Bulgaria was a party into domestic law.

6. The representative cited statistics demonstrating that infant mortality in Bulgaria had decreased substantially since 1970-1980. She referred to the substantial increase in the number of births outside of wedlock in Bulgaria and reported that the Government saw this as a reflection of more flexible choices of family partnerships for women than previously.

7. The representative outlined some measures that had been adopted to improve the situation of Roma children, in particular with regard to education. Several reports had been prepared relating to the Roma minority and various consultations carried out with the specialized agencies on the issue. The situation of the Roma minority had been raised during the consideration of Bulgaria's proposed membership of the European Union and further measures would be implemented in cooperation with the Union.

8. The Committee was informed of the measures taken by the Government of Bulgaria to implement the Beijing Declaration and Platform for Action. Immediately after the Beijing conference, an intergovernmental commission had been established. In cooperation with women's non-governmental organizations, the commission produced a National Action Plan. This was adopted by the Council of Ministers in July 1996, and a decision reached to establish a permanent intergovernmental council to monitor its application. At present, the Ministry for Foreign Affairs served as the focal point for the commission.

9. The representative referred to the Government's proposal to appoint an ombudsperson who could be entrusted with the role of monitoring women's human rights and gender equality. A draft law was in the process of preparation and two seminars to discuss the proposal had been planned for 1998.

10. The representative reported that some very favourable advances had been made regarding the participation of women in decision-making and political life.

In some ministries, the number of women significantly exceeded the number of men. The situation was similar in the judiciary.

11. The representative referred to the problem of unemployment for women and noted that cases of discrimination against women were still evident, with some employers preferring to fill vacancies with men or with very young women who had no family responsibilities. It was acknowledged that women were more affected by unemployment than men.

12. The representative stated that the reduction of crime had been, and continued to be, a main priority for the Government. In particular, she referred to measures taken to strengthen provisions against the illicit trafficking in persons and emphasized the Government's commitment to strengthen international and regional cooperation on the issue.

13. The Committee was informed that, while domestic violence resulting in severe, medium and slight physical injury was regarded as a criminal offence, proceedings could only be commenced upon the complaint of the victim. The representative acknowledged that domestic violence in Bulgaria was still not seen as a human rights abuse and that more awareness-raising campaigns were needed. The Parliament was at present considering draft legislation that would criminalize domestic violence against children, including girls.

14. The representative concluded by indicating that the Government was committed to the implementation of the Convention and looked forward to the Committee's recommendations in that regard.

Concluding comments of the Committee

15. The Committee noted with appreciation the combined second and third periodic reports of Bulgaria. The Committee was pleased that an effort had been made to update the information and to respond to the questions posed by the pre-session working group.

16. The Committee welcomed the high-level delegation headed by the Deputy Minister for Foreign Affairs.

17. The Committee appreciated the efforts made to respond to the questions posed by the experts during the oral presentation. The delegation was able to provide some valuable information within a very short time, which significantly assisted the Committee's understanding of the situation faced by women in Bulgaria. However, the Committee noted that the delegation had failed to address many of the questions transmitted to the Government of Bulgaria by the pre-session working group and also many of the questions raised by members of the Committee during the delegation's oral presentation. The Committee appreciated the time constraints imposed, but nonetheless requested that all those questions be answered in the next report, emphasizing the following questions, which were of particular concern to the Committee:

(a) The reports refer to the double burden of women in Bulgaria who work in the market and who also take full responsibility for the domestic workload.

What measures have been taken to address that situation and to change prevailing attitudes about women's role in the home?

(b) The situation of the unemployment of women remains unclear, and further information is requested regarding the particular measures the Government has implemented to combat it. What measures are being taken to address discriminatory practices regarding women in the employment sector?

(c) Violence against women, including trafficking in women, is clearly a major concern in Bulgaria. What efforts have been made to provide assistance to victims and to punish offenders? What preventive measures have been implemented?

(d) The Committee requests information on the impact of drug-addiction upon the female population;

(e) What assistance is provided to female heads of households and single mothers?

(f) What efforts have been made to improve the standard of living of women in rural areas?

(g) What access do women have to free legal aid?

(h) What measures have been taken to remove stereotypes from school textbooks and other facets of the education system?

18. The Committee's overall impression was that inadequate attention had been paid to ensuring that women did not bear a disproportionate share of the burden associated with radical political and economic change in Bulgaria. However, the Committee did note the frequent statements of commitment by the Government for improving the de facto as well as the de jure situation of women. The Committee interpreted the positive emphasis placed on the Convention in Bulgaria as a strong signal that the situation of women in Bulgaria would be improved in the future.

Positive aspects

19. The Committee commended Bulgaria for withdrawing its reservation to article 29 of the Convention.

20. The Committee noted with great pleasure the changes implemented in Bulgaria in recent years that had brought about respect for human rights and fundamental freedoms. In particular, the Committee welcomed the Government's recognition that democracy could not be achieved without the full and equal participation of women in decision-making and all other areas of life.

21. The Committee welcomed the Government's proposal to establish an ombudsperson for human rights who could also monitor women's rights and equality issues. The Committee noted with satisfaction the delegate's comments recognizing the importance of ensuring that the ombudsperson has adequate resources available and is given a clear mandate to address gender issues.

22. The Committee commended Bulgaria on the adoption of the National Action Plan to implement the Beijing Declaration and Platform for Action. The Committee was also pleased that efforts had been made to establish a body to monitor the implementation of the Plan, namely the intergovernmental commission. The comments of the delegate that an appropriate place would soon be found for the commission during the ongoing process of administrative reform were noted and the Committee looked forward to the provision of further information on that point in the State party's next report.

23. The Committee noted with approval the proposed measures to enact legislation implementing the Convention on the Rights of the Child. It considered this an important precedent for the subsequent passage of legislation implementing the Convention.

Factors and difficulties affecting the implementation of the Convention

24. The Committee noted the difficult economic and political process Bulgaria was undergoing in its transformation to democracy and a market-oriented society.

25. The Committee considered that previous ideological positions, including the former insistence on formal or de jure equality, now tended to impede a proper understanding of the complex issue of discrimination, such as structural and indirect discrimination, which further compounded the situation of de facto inequality of women.

26. In addition, the former insistence on women's role as mothers, together with the extensive protection provided to women as mothers, tended to perpetuate sex role stereotypes and reduce the father's role and responsibility in the upbringing of the children. This now made it difficult for the Government to promote new concepts of men's and women's roles without appearing to interfere, once again, with individual choices and desires.

27. On several occasions during the delegation's oral presentation, the Committee raised the issue of affirmative action. The Committee noted the delegate's reference to the favourable age of retirement for women, but remained concerned about the Government's understanding of affirmative action. As embodied in the Convention, special, temporary measures or affirmative action meant the establishment of programmes that advantaged women more than men. It required undermining formal equality for a certain period of time in order to achieve de facto equality in the long term. It is crucial fully to understand the concept of affirmative action, and to implement it in the many areas in which women are currently disadvantaged at the de facto level. Otherwise, the State party's ability to implement the Convention fully will be impeded.

28. While welcoming the establishment of a commission to monitor the implementation of the National Action Plan, the Committee expressed the view that the Department of Foreign Affairs was inappropriate as the focal point for that body. The Committee noted the prevalence of women in the Department of Foreign Affairs and agreed that it is commendable to seek the involvement of women in the commission. However, the advancement of women in Bulgaria was, first and foremost, a domestic issue. The Committee felt that the failure to

house the commission within the appropriate framework could impair the implementation of the Convention.

Principal subjects of concern

29. The Committee was concerned that there were no special laws aimed at bringing about women's de facto as well as de jure equality and that the Government had not demonstrated a commitment to introduce special, temporary measures in the near future.

30. The Committee noted that the reports did not reflect any government strategy regarding a national machinery to address women's issues and to implement the Convention. It was concerned that valuable time had been lost in establishing such a machinery and integrating a gender dimension into all policies, which the Committee deemed especially important during times of radical societal and economic change. Information provided in the oral presentation about the establishment of an intergovernmental commission to coordinate the National Action Plan on women's issues provided some clarification, although the goals of the National Action Plan, its timetable and the resources committed to its implementation remained unclear. The Committee remained concerned that there appeared to be no strong national machinery at present in existence.

31. While the Committee agreed that progress had been made regarding the participation of women in Government and other areas of decision-making, it considered that much more progress was possible, especially in view of the large numbers of highly educated women in Bulgaria.

32. The Committee was particularly alarmed by the overwhelming number of people living below the poverty line in Bulgaria, which the delegation stated to be approximately 80 per cent. This was of concern, as women were most likely to be adversely affected by poverty. Elderly women were particularly vulnerable to the effects of poverty and the Committee was anxious to be provided with further information about the implementation of strategies to alleviate the situation of the most vulnerable.

33. The problem of violence against women in Bulgaria, both in the public and private spheres, was identified as one of the Committee's dominant concerns. Some information had been provided in response to the questions of the pre-session working group, but the Committee questioned whether the Government's responsibility (flowing from the ratification of the Convention and in accordance with the Committee's General Recommendation 19) for taking measures to address the problem at all levels was fully acknowledged. The Committee expressed concern at the fact that legal proceedings for domestic violence could only be instituted upon the complaint of the victim. The Committee was, however, pleased to note the emphasis placed by the delegation upon the need for public-awareness campaigns and preventive action to combat domestic violence.

34. Although some information was provided about measures to combat trafficking in women, the Committee remained concerned about the adequacy of the response so far. The Committee was concerned about the extent of the problem, regarding both Bulgarian women who were led into prostitution in other European countries

by organized crime, as well as women from other countries who fell into prostitution in Bulgaria. The Committee noted the Government's undertaking to give international cooperation on this issue priority and looked forward to information about the progress achieved in the State party's next report.

35. The Committee remained confused about whether women in Bulgaria were affected by unemployment in greater numbers than men. Contradictory information had been provided in the oral presentation of the delegation. However it was clear that unemployment among Bulgarian women was a priority area of concern warranting the most serious attention and effort.

36. Although the delegation described some measures that had been taken to improve the situation of Roma children, the Committee was concerned about the very high rate of non-participation of those children in schools. The need to provide incentives to children to stay in school and to educate their parents as to the importance of continued schooling was emphasized.

37. The reports described an extremely high rate of abortion among women, in particular young women, in Bulgaria. The Committee expressed alarm that abortion appeared to be used as a method of family planning. Although the delegation provided some additional information in its oral presentation, the Committee remained concerned about the measures taken to ensure that women have proper access to contraceptives. The Committee was also confused about the causes of the rising rate of out-of-wedlock births and requested further information on that point.

38. The Committee felt it had been provided with inadequate information on the situation of rural women and the extent to which they had benefited from agrarian and other types of reform in the rural sector.

Suggestions, recommendations and requests

39. The Committee recommends that, despite the economic difficulties associated with transition, the Government give priority to the establishment of a strong and effective national machinery for advancing the position of women in Bulgaria. Countries undergoing transition have a unique opportunity to improve the situation of women as an integral part of the successful transition to democracy and a free market economy. They can thereby avoid the entrenchment of structural discrimination and the need for further fundamental changes in the future.

40. The Committee recommends that, as the Government embarks upon the procedure of setting up an appropriate national machinery for the promotion of women's rights, recourse be had to the experience of other European Governments who have been through the same procedure in the past. The Committee requests that more information be provided on the implementation of the National Action Plan in the State party's next report.

41. The Committee strongly urges the Government of Bulgaria to appoint an ombudsperson in accordance with the current proposal before Parliament. The Committee further urges the Government to ensure that sufficient resources be

allocated to enable the office to function effectively. The ombudsperson should also be provided with a clear mandate to address gender issues.

42. The Committee strongly recommends that temporary, special measures be enacted in all necessary areas to accelerate the de facto situation of equality for women in Bulgaria. The Committee suggests that the Government give further consideration to the nature and role of affirmative action. Experts of the Committee were available to provide further information and assistance to the Government in that respect.

43. The Committee recommends that legislative measures protecting women against all forms of violence, both public and private, be strengthened. In particular, provision should be made for the prosecution of offenders even in the absence of a complaint by the victim. The Committee recommends that measures be taken to change prevailing attitudes to domestic violence, regarding it as a private problem, and to encourage women to seek redress. A range of strategies were available, including the utilization of popular music, theatre and so on. The Committee requests that the Government of Bulgaria include information on steps taken to address domestic violence in its next report.

44. The Committee encourages Bulgaria to implement its intention to cooperate at the regional and international levels on the problem of trafficking in women and their exploitation in prostitution. The Committee suggests that in order to tackle the problem of trafficking in women, it is fundamental to address women's economic vulnerability, which is the root cause of the problem. In addition, national legislation should be improved, effective administrative and police structures need to be created, media sensitization and training campaigns conducted and the work of women's non-governmental organizations in this area promoted. The Committee also requests that the Government of Bulgaria include in its next report yearly data on:

(a) The number of people engaged in trafficking who have been arrested, prosecuted and sentenced;

(b) The number of women trafficked out of Bulgaria and found in other countries;

(c) The number of migrant women trafficked into Bulgaria and subsequently sent back to their countries of origin.

45. The Committee recommends that special measures be taken to encourage women into entrepreneurship. Training should be provided and measures taken to facilitate the access of credit and loans for women, in particular rural women. The Committee requests that the next report submitted provide detailed information on the involvement of women in economic operations, including information about discriminatory practices against women in employment and measures taken to counteract them.

46. In accordance with the oral undertaking given by the delegation, the Committee urges the Government of Bulgaria to give further consideration to the questions referred to in paragraph 17 above, which were posed by the experts but remained unanswered.

47. The Committee urges the Government to facilitate consultations between Bulgarian women's non-governmental organizations and other European women's non-governmental organizations, in order to discuss Bulgarian women's issues and receive any necessary assistance.

48. The Committee requests the Government of Bulgaria to disseminate widely, throughout the country, the Convention and the various recommendations of the Committee, as well as the present comments, so that individuals become aware of the measures that have been taken to implement the Convention and of the remaining steps that are required to achieve de facto equality for women.